

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Angelo Robinson,)	
)	
Petitioner,)	
)	Case No. C-1-00-918
vs.)	
)	
James Haviland,)	
)	
Respondent.)	

Order Adopting Report and Recommendation

On July 15, 2003, United States Magistrate Judge Timothy S. Hogan issued a Report and Recommendation recommending that Petitioner's petition for writ of habeas corpus in this matter be denied with prejudice. Petitioner has filed objections to the Report and Recommendation, and the Court has considered the portions of the Report and Recommendation to which Petitioner has objected in accordance with the de novo standard prescribed by Rule 72(b) of the Federal Rules of Civil Procedure.

The Court's analysis does not deviate in any material respect from that set forth in the Magistrate Judge's thorough and well-reasoned Report and Recommendation. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation in toto and **OVERRULES** Petitioner's objections. Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is hereby **DENIED** with prejudice. The Court hereby **CERTIFIES** as appealable the claim alleged in Ground One of the petition for the reasons

suggested by the Magistrate Judge. Appellate review of that Ground may encompass Grounds Three and Four as well. The Court **DECLINES** to issue a certificate of appealability with respect to Ground Two. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The Court further **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would be taken in good faith and **GRANTS** Petitioner leave to proceed on appeal in forma pauperis upon a showing of financial necessity. This action is **CLOSED**.

IT IS SO ORDERED.

_____/s/
Sandra S. Beckwith
United States District Judge